

CITY OF SAN BRUNO



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STAFF

Terry Jackson, *Interim Community Development Director*
Gary Binger, *Interim Planning Director*
Aaron Akin, AICP, *Planning Manager*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Beilin Yu, *Associate Planner*
Lisa Costa-Sanders, *Contract Planner*
Adam Finestone, *Recording Secretary*
Pamela Thompson, *City Attorney*

PLANNING COMMISSIONERS

Joe Sammut, *Chair*
Sujendra Mishra, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Kevin Chase
Rick Biasotti
Perry Petersen

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

May 3, 2005

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:02 pm

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Sammut	X	
Vice Chair Mishra	X	
Commissioner Johnson	X	
Commissioner Marshall		X
Commissioner Chase	X	
Commissioner Biasotti	X	
Commissioner Petersen		X

STAFF PRESENT:

Planning Division: Interim Community Development Director: Terry Jackson
Planning Manager: Aaron Akin
Associate Planner: Beilin Yu
Interim Department Secretary: Adam Finestone

City Attorney: Pamela Thompson

Pledge of Allegiance

Commissioner Johnson

3. Public Comment

None at this time.

Commissioner Chase arrived at 7:05pm

4. 156-158 San Felipe Avenue

Request for a Conditional Use Permit to allow construction of additions, which proposes to exceed Floor Area Ratio of .55, per Section 12.200.030B.2 of the San Bruno Zoning Ordinance. -- Mark Bucciarelli (Applicant), Luis and Lizeth Herrera (Owners)

Planning Manager Aknin entered staff report.

Staff recommends that the Planning Commission approve Use Permit 05-09 subject to Findings for Approval 1-8 and Conditions for Approval 1-13.

Luis Herrera, 156-158 San Felipe Ave., owner, briefly described his project, and provided color samples to the commission. Mark Bucciarelli, the architect of record, addressed the reason that the proposed windows have not been changed since the Architectural Review Committee meeting. He stated that the windows for the rear unit have already been ordered, and thus it would place a financial burden on the owner to change redesign them.

Chair Sammut asked if both units would be painted alike. Mr. Bucciarelli answered in the affirmative.

Chair Sammut asked the owner if he was familiar and in agreement with the Conditions for Approval that are to be placed on the project. Mr. Herrera answered in the affirmative.

Commissioner Johnson asked if the front unit would receive the same type of windows that were recently installed on the rear unit. Mr. Bucciarelli stated that all the windows in the front unit will be replaced.

Public Hearing Opened

Public Hearing Closed

Motion to approve Use Permit 05-09 based on Findings of Fact 1-8 and Conditions of Approval 1-13

Johnson/Biasotti

Chair Sammut briefly reviewed the Architectural Review Committee recommendations, and determined that they had all be addressed.

VOTE: 5-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, April 22, 2005, and legal notice published in the San Mateo Times, Saturday, April 23, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed additions is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed additions will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the additions is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
8. The off-street parking is adequate for the proposed residence.

CONDITIONS FOR APPROVAL

Community Development Department

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of

Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-09 shall not be valid for any purpose. Use Permit 05-09 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on May 3, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The garage for the front unit shall be used for the storage of two (2) motor vehicles and the garage for the rear unit shall be used for the storage of one (1) motor vehicle, and both garages shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. If the applicant does not secure a building permit for the proposed project within three months from the date of the approval, the applicant shall obtain a demolition permit at that time to remove the walls within the existing garages, in order to convert the garages back to useable garage areas. This shall be done to the satisfaction of the Planning and Code Enforcement Staff.

Department of Public Works

8. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
9. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01.
10. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8. Marking shall take place under Building Review.

11. No fence, retaining wall or other permanent structures to be placed within 2'-0" from back of sidewalk. San Bruno Municipal Code 8.08.010.

Fire Department – (650) 616-7096

12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
13. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Sammut advised of a 10-day appeal period.

1. Approval of Minutes – April 19

Motion to Approve minutes of April 19, 2005 Planning Commission Meeting

Johnson/Chase

VOTE: 5-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

2. Communication

None at this time.

5. 468 Chestnut Avenue

Request for a Conditional Use Permit to allow construction of an addition, which proposes to exceed Floor Area Ratio of .505, and a Minor Modification to exceed Lot Coverage of 40.4% up to 48%, per Sections 12.200.030.B.2 and 12.120.010.A.1 of the San Bruno Zoning Ordinance. – George Dayeh (Applicant/Architect), Mr. and Mrs. Salti Ibrahim (Owner).

Associate Planner Yu entered staff report.

Staff recommends that the Planning Commission continue Use Permit 05-13, Minor Modification 05-06 to the June 7th, 2005, Planning Commission meeting in order to allow staff to work with the applicant to address the neighbors' concerns.

Planning Manager Aknin stated that even though staff is recommending continuance until a specific future Planning Commission meeting, the item will be re-noticed at least 10 days prior to said meeting.

Mr. Salti Ibrahim, 468 Chestnut Ave, owner, briefly addressed his project. Mr. George Dayeh, the architect, also briefly described the project. He stated that the view impacts would be minimal, and that a number of other houses on the street have undertaken additions that have similar view impacts.

Commissioner Johnson stated that she wished to address some architectural aspects of the project, but was not sure if this was an appropriate time to do so. Chair Sammut recommended that she wait until after the public comment period, and make such comments during the commission discussion period.

Public Comment Opened

Randy Sieg, 464 Chestnut, provided exhibits and written information to the commissioners. He stated that the extension would result in the view of a wall rather than the San Bruno mountains from each floor of his house, and referenced Picture A in his exhibits. He also stated that the addition would bring the rear of the house far beyond any other house on the block. Additionally, he stated that the project would result in view impacts to five houses on his side (project side) of the street, as well as four or five homes across the street. He stated that this could compromise the resale value of the entire neighborhood. There is also 336 square feet of space in the basement of the project home which he did not see on the plans. He has knowledge of this because his house is a mirror image of the project house. He stated that if the applicant is looking to expand while maintaining the aesthetics of the neighborhood, he may want to consider using that space. He also stated that there is a greenbelt between the homes on his side of Chestnut and the street below it, and that he proposed project would encroach into said greenbelt. He is also concerned with possible ground-movement if pylons were to be drilled into the ground. He stated that it was also brought to his attention that there was a variance granted in 1956 for the subject property in order to allow the rear-deck of approximately 12 feet to be built, since it would encroach into the rear yard setback at that time. He stated that he would have appreciated a call/visit from the applicant when the idea of an addition was first considered.

Planning Manager Aknin stated that he would have Recording Secretary Finestone note when three minutes had expired since the timing device did not beep.

Ron Tosetti, 467 Chestnut, provided information and exhibits to the commission. He stated that the proposed addition to the subject property is not in compliance with the development standards of the City of San Bruno. He and his wife oppose the addition to the subject property. He stated that the views provided from his property add generously to the value of his home. He stated that he is not speaking of view-rights, but rather property-view real estate values. He stated that while the project would increase the value of the subject property, it would devalue the neighboring homes. He cited a neighbor's appraisal that would have placed additional value on that neighbor's

property if there were not power lines obstructing the view. He stated that there would be no benefit to the property owner at 468 Chestnut if he changed the roof from a flat to a 4:12 pitched roof. He said that the pitched roof may improve the curb-appeal of the subject property, but would adversely affect all the homes on the west side of that block. He asked that the commission protect the majority by requiring the roof to remain the same, or at minimum requiring a 2:12 pitch rather than a 4:12 pitch. He stated that the increase in square-footage opens the door to this home being utilized as a multi-family structure, especially with the proposed side-entrance.

Time expired and Chair Sammut informed Mr. Tosetti that his time was up. Mr. Tosetti stated that he did not believe the clock should have been running when he was handing out exhibits, and several people waiting to speak offered to give him some of their time. Without comment from the Chair, Mr. Tosetti continued.

Mr. Tosetti stated that he believes the addition will be used as a second dwelling unit, which will increase the parking problems already existent in the neighborhood. He cited the variance previously cited by Mr. Sieg, allowing this property to build further back than existing homes. He stated that the Commission cannot allow a second planning approval to the same property. He reiterated that this project is not in compliance with the development standards of the City of San Bruno, and that the citizenry of San Bruno, present and in writing, is against this project. He asked the commission to deny this permit, and thanked them for allowing him extra time.

Bernadine Fernize, 457 Chestnut Ave, stated that she has lived at her house for 49 years and is currently debating selling her house within the next few years. She feels that her view would be restricted approximately 20% if the proposed project were constructed, and feared the negative repercussions on her property value.

Frank Long, Parker, Colorado, stated that he flew out from Colorado for this hearing. He stated that cumulatively, he and his neighbors represent 330 years in the same houses. He stated that he does not agree with his neighbors taking away his view. He understands that the City of San Bruno does not have a right-of-view, but that he also knows that views have an affect on property values. He asked the commissioners to look deeply into this issue.

Andrew Zarry, 465 Beech St., stated that he has a different perspective on the project as he lives in the house directly behind the subject property. He is worried about privacy and afternoon sunlight. He stated that if the proposed addition were approved and constructed, it would mean an additional hour and a half for him without sunlight. He believes he will experience increasing mildew problems if he is blocked from the sun for this additional time period.

Harold Green, 456 Chestnut Ave, stated that this is the second time he has attended a Planning Commission meeting regarding the subject property. 53 years ago, the Commission limited the subject property to the design that exists today. The original builder received an additional 12 feet towards the east in order to build livable houses. Now, the current owner wants to add another 16 feet further. He stated that an

additional 16 feet would create a monstrosity. He stated that he believed the addition would make way for 3 or 4 additional units, and was concerned about parking issues.

Public Comment Closed

Chair Sammut asked staff about the existing and proposed conditions both showing the building height as 21 feet, and questioned how that is so. Planning Manager Aknin stated that the average height is taken from the mid-point of the building. Chair Sammut stated that he did not understand how the building height would not change if the roof were changed from flat to pitched. Planning Manager Aknin acknowledged that the height likely would increase, and stated that staff will double-check that figure for the future staff report.

Commissioner Chase stated that the exhibits showed the elevation of the roof from grade at the rear of the property (the largest height) to be 27' 8", and asked how staff came to the determination of a 21' building height. Planning Manager Aknin stated that Commissioner Chase's observation is correct, but that the ordinance relating to height of buildings looks at the mid-point of the building. He stated that the height from grade is required on building plans in order to allow staff and the Commission to better understand the scale of the project. Commissioner Chase stated his understanding that the building would not be an additional 13 feet higher than the 14' 8" front elevation; instead that from the rear elevation it would appear to be 27' 8" due to the slope of the lot. Planning Manager Aknin affirmed.

Commissioner Johnson asked if the applicant could provide a more inviting entry in the front, since all that can be currently seen from the street is just the garage.

Commissioner Biasotti, asked the applicant if he had made any attempt to talk to his neighbors regarding the project, as the Architectural Review Committee had suggested. Mr. Ibrahim stated that he had talked to the family of Mr. Long. He stated that he had attempted to speak to the neighbor on his left, including giving his business card and asking for a call, but was never called. He stated that the neighbor across the street has made a campaign against his project, and thus he felt uncomfortable approaching him. He stated that he has no animosity against any of his neighbors, and that he is attempting to beautify his house and the neighborhood. He feels he made an honest attempt to discuss his project with the neighbors.

An audience member asked if he could respond to the owner's statement, to which Chair Sammut answered in the negative, as the public comment period has closed.

Commissioner Johnson stated to the audience that, since it appears that this item will be continued, the neighbors will likely have another chance to speak.

Commissioner Chase addressed the owner further about his attempts to contact the neighbors. He stated that the recommendation of the Architectural Review Committee to speak to the neighbors was intended to avert some of the protest that has occurred tonight. He also commented on his impression that the roof of what he believes to be

460 Chestnut, according to the photographs submitted by Mr. and Mrs. Tosetti, appears to be significantly higher than that of the proposed subject property.

Chair Sammut asked staff to research and provide addresses of properties near-by that have hip-roofs, and to include them in the future staff report. Planning Manager Aknin answered in the affirmative.

Commissioner Chase asked staff that if continued, why would the neighbors of the subject property be notified again. He believes that they have already been properly notified. Planning Manager Aknin stated that usually if an item is continued to a date specific, that re-noticing is not necessary. However, due to the number of people in attendance tonight, this item will be re-noticed regardless.

Motion to continue UP-05-13 and MM-05-06 to the Planning Commission meeting of June 7, 2005

Biasotti/Mishra

Commissioner Chase stated that he believes the point of the continuance is not exactly obvious. He asked for clarification on the reason for continuance.

Commissioner Biasotti stated that the reason for continuance is to allow the applicant and architect an opportunity to redesign the project in order to address some of the concerns voiced by the neighbors. He recommended the possibility of a new roof design or a different rear of the project.

Planning Manager Aknin asked that the neighbors provide contact information so that a meeting can be organized where staff can facilitate a discussion amongst the applicant and his neighbors.

Commissioner Chase asked if one month would allow enough time for the applicant and architect to redesign the project if they chose to do so. Planning Manager Aknin stated that in the past, continued items have been placed on the next month's agenda. If more significant changes are required, the item could be continued again.

Commissioner Johnson stated her understanding that the Commission is not requiring changes, but rather that the applicant should meet with the neighbors to discuss the possible impacts of the project. Planning Manager Aknin answered in the affirmative.

VOTE: 4-1
AYES: Sammut, Mishra, Johnson, Biasotti
NOES: Chase
ABSTAIN:

Chair Sammut advised of continuance to the June 7th Planning Commission meeting. He also asked that the neighbors in attendance to make sure they give their contact information to staff. Planning Manager Aknin stated that he would contact the interested parties within the next week.

6. 472 Cedar Avenue

Request for a Conditional Use Permit to allow the construction of first and second story additions, which proposes to increase the Gross Floor Area by more than 50% and to exceed 1,825 square feet without proposing a second garage parking space, per Sections 12.200.030.B.1 and 12.200.080.A.2 of the San Bruno Zoning Ordinance. – Robert Cho (Owner/Applicant)

Associate Planner Yu entered the staff report.

Staff recommends that the Planning Commission approve Use Permit 05-17 based on Findings for Approval 1-8 and Conditions for Approval 1-16.

Mr. Cho, the applicant and owner, briefly described his project and the reasons for the addition.

Chair Sammut asked the applicant if he was aware of and in agreement with the Conditions for Approval, particularly Condition #8 relating to the bathroom window being designed with obscured glass. He answered in the affirmative.

Public hearing opened

Public hearing closed

Commissioner Chase addressed Exhibit B regarding the floor-plans possibly being mislabeled since the driveway was on the second floor plan. The applicant stated that due to the slope of the lot, the second floor is in fact at street level and the first floor below that.

Commissioner Chase also asked if the applicant had a color chart. The applicant provided a couple of possible color-schemes to the Commission.

Motion to approve UP-05-17 subject to Findings of Fact 1-8 and Conditions of Approval 1-16

Chase/Mishra

VOTE: 5-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on Friday, April 22, 2005, and legal notice published in the San Mateo Times, Saturday, April 23, 2005.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed additions is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed additions will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the additions is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
8. The off-street parking is adequate for the proposed residence.

CONDITIONS OF APPROVAL

Community Development Department

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-17 shall not be valid for any purpose. Use Permit 05-17 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on May 3, 2005, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence and garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of one (1) motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The master bathroom window located on the side elevation shall be obscure glass.

Department of Public Works

9. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
10. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01.
11. All marked broken or raised concrete in sidewalk or driveway approach shall be replaced. Marking shall take place under Building Review.
12. Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for three(s) and installation.
13. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in right-of-way.
14. No fence, retaining wall or other permanent structures to be placed within 2' from back of sidewalk. San Bruno Municipal Code 8.08.010.

Fire Department

15. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
16. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Sammut advised of a 10-day appeal period.

7. City Staff Discussion

Planning Manager Akin confirmed the attendees of the May 12th Architectural Review Committee meeting: Commissioners Mishra, Johnson and Biasotti.

He also stated that Ordinance 1284, regarding height limits of building, and how it relates to redevelopment law will be before the City Council on May 10th. It may affect projects that will be before the Planning Commission in the future. Also, at the second City Council meeting in May, the Council will hear an appeal of the Planning Commission's decision to approve a project at 758 Cherry Ave.

Planning Manager Akin also addressed the City's General Plan. It is his belief that the Plan will be brought forward for approval sometime in the early fall.

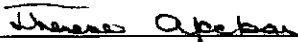
The Bike and Pedestrian Committee will be holding a bike-safety workshop from 10am-12pm on Saturday, May 14th.

Operation Clean Sweep will take place this Saturday, May 7th from 9am to noon. Meet at the Rotary Pavilion, with lunch to follow.

8. Planning Commission Discussion

Commissioner Johnson stated that the Rotary Pavilion has been re-painted and looks great. She thanked Rotary President Mario Puccinelli for his leadership.

9. Adjournment



Terry Jackson,
Interim Secretary to the Planning
Commission
City of San Bruno



Joe Sammut, Chair
Planning Commission
City of San Bruno

NEXT MEETING: May 17th, 2005

TJ/af

Meeting was adjourned at 8:05 pm

May 12 ARC – Mishra/Johnson/Biasotti